



Adam Collyer
77 Water Street, Suite 2100
New York, New York 10005
Adam.Collyer@lewisbrisbois.com
Direct: 646.783.1723

May 5, 2022

File No. 28759.2051

VIA ECF

Hon. Kenneth M. Karas
United States District Judge
The Hon. Charles L. Brieant Jr. Federal
Building and United States Courthouse
300 Quarropas Street
White Plains, New York 10601-4150

Re: *Osinoff v. Nuvance Health d/b/a Sharon Hospital and Tammy Cordovano*
Case No. 7:22-cv-02017-KMK

Dear Judge Karas:

We represent defendants Nuvance Health and Tammy Cordovano (collectively, “Defendants”) in the above-referenced matter. We write on behalf of all parties to respectfully request that the Court rescind its Order, filed April 8, 2022, referring this case automatically to the Southern District’s mediation program [DE 10].

On February 14, 2022, the parties voluntarily participated in mediation before third-party neutral Elizabeth Marcus at the Equal Employment Opportunity Commission (“EEOC”) while Plaintiff’s Charge of Discrimination was pending. Despite good faith efforts by both parties, that session ended at impasse. Plaintiff filed her lawsuit in the Supreme Court of the State of New York shortly thereafter, and the EEOC issued a “right to sue” letter. On March 10, 2022, Defendants removed this matter to this Court.

Although the forum has changed since their most recent negotiating session, neither of the parties has changed their current settlement posture. At this time, the parties agree that moving the case forward through the discovery process will be the most productive use of time before further attempts at resolution can be made.

Accordingly, the parties request that this case be withdrawn from the Court’s mediation program. The parties are prepared to submit a jointly proposed case management plan in lieu of mediation, and will do so at the Court’s direction.

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We thank the Court for its attention to this matter.

Respectfully,

/s/ Adam E. Collyer

Adam E. Collyer of
LEWIS BRISBOIS BISGAARD &
SMITH LLP

cc: Counsel for Plaintiff (via ECF)